

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, FEBRUARY 12, 1991  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 11:05 a.m. The meeting was recessed by Mayor O'Connor at 11:20 a.m. to reconvene at 2:00 p.m. The meeting was reconvened by Mayor O'Connor at 2:03 p.m. A quorum was not present. A quorum was present at 2:06 p.m. with Council Members Roberts, Hartley, and Bernhardt not present. Mayor O'Connor recessed the meeting at 3:56 p.m. to meet as the Housing Authority. Mayor O'Connor reconvened the meeting at 4:56 p.m. with Council Members Roberts and Filner not present. Mayor O'Connor recessed the meeting at 4:57 p.m. to reconvene at 11:45 a.m., Friday, February 15, 1991 to consider Items S402, S404, and S406, Unfinished Business.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by R-277606  
(Public Housing meeting in Washington, D.C.)
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Fishkin (ll/eb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Bernhardt-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

ITEM-330: (O-91-123) INTRODUCED AND ADOPTED AS ORDINANCE  
O-17600 (New Series)

Introduction and adoption amending Ordinance No. O-17504 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1990-91 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. OO-17504-1 and No. OO-17504-2, as amended and adopted therein, by transferring the sum of \$51,400 from the General Fund 100, Unallocated Reserve (605) to the Torrey Pines Golf Course Improvement Fund (10530) and the Balboa Park Golf Improvement Course (10531) for the purpose of administering an automated golf reservation system.

(See City Manager Report CMR-90-530. Districts 1 and 3.)

NOTE: See Item 150 on the docket of Monday, February 11, 1991 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A110-113.)

MOTION BY HENDERSON TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (O-91- ) CONTINUED TO FEBRUARY 19, 1991

Proposal to amend Chapter X (Planning and Zoning Regulations) of the San Diego Municipal Code (Floor Area Ratio and other definitions) by: Modifying Division 1 of Article 1 by amending certain existing definitions, repealing certain existing definitions and adding certain new definitions as follows:

- |                                |                                  |
|--------------------------------|----------------------------------|
| 1. Amend Section 101.0101.21   | FLOOR AREA RATIO                 |
| 2. Amend Section 101.0101.25   | GROSS FLOOR AREA                 |
| 3. Amend Section 101.0101.48   | UNDERGROUND PARKING<br>STRUCTURE |
| 4. Amend Section 101.0101.49   | USABLE AREA                      |
| 5. Amend Section 101.0101.63   | STORY                            |
| 6. Amend Section 101.0101.64   | STORY, FIRST                     |
| 7. Amend Section 101.0101.65   | STORY, HALF (ATTIC)              |
| 8. Amend Section 101.0101.68   | BASEMENT (CELLAR)                |
| 9. Amend Section 101.0101.70   | INCREMENTAL YARDS                |
| 10. Amend Section 101.0101.72  | FLOOR                            |
| 11. Amend Section 101.0101.88  | DORMER                           |
| 12. Repeal Section 101.0101.66 | MEZZANINE                        |
| 13. Repeal Section 101.0101.69 | CELLAR                           |
| 14. Add Section 101.0101.6.2   | ATRIUM                           |
| 15. Add Section 101.0101.15.1  | COURT, INTERIOR                  |
| 16. Add Section 101.0101.24    | GRADE                            |
| 17. Add Section 101.0101.63.1  | ROOF DECK                        |
| 18. Add Section 101.0101.63.2  | STORY, SPLIT                     |

(Citywide.)

Introduction of an Ordinance amending the San Diego Municipal Code.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A096-102.)

MOTION BY McCARTY TO CONTINUE TO FEBRUARY 19, 1991, AT THE REQUEST OF COUNCIL MEMBER ROBERTS FOR HIM TO BE PRESENT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-332: (R-91-1465) ADOPTED AS RESOLUTION R-277361  
DENIED APPEAL, AMEND HISTORICAL  
DESIGNATION

(Continued from the meetings of January 22, 1991, Item 332, and January 29, 1991, Item S502; last continued at Councilmember Filner's request.)

Appeal of the Fourth and C Corporation (owner of the California Theatre building), by Lynne L. Heidel of Peterson and Price, from the decision of the Historical Site Board in approving site designation of the California Theatre building as Site No. 263, Grade 1. The theater is located at 330-336 C Street/1122 4th Avenue, and is more particularly described as Lots E-G, Block 16, Horton's Addition.

(District-8.)

Adoption of a Resolution granting or denying the appeal and granting or denying the historical site designation, with appropriate findings to support Council action.

FILE LOCATION: Gen'l - Historical Site Board, Decisions,  
Appeals, Etc - California Theatre Building

COUNCIL ACTION: (Tape location: A200-C458.)

Hearing began 2:16 p.m.

Hearing halted 3:54 p.m.

Testimony in favor by Lynne Heidel, Ron Hahn, Bob Winn, and Jack Boyce.

Testimony in opposition by Ray Shepardson, Steve Karo, David Swarens, and Kathryn Willetts.

The hearing was closed.

Council Member Henderson left at 3:30 p.m.

MOTION BY FILNER TO DENY THE APPEAL BY LYNNE HEIDEL FROM THE HISTORICAL SITE BOARD'S DECISION, BUT REDUCE THE DESIGNATION FROM GRADE 1 TO GRADE 4, REQUIRING THE PROPERTY OWNER TO DOCUMENT AND PHOTOGRAPH THE THEATRE THOROUGHLY. DIRECT THE CITY ATTORNEY TO WORK WITH THE SAN DIEGO COMMUNITY

FOUNDATION TO CREATE AN ENTITY CALLED THE HISTORIC PRESERVATION TRUST FUND AND, IF FEASIBLE, ACCEPT A CONTRIBUTION FROM THE PROPERTY OWNER FOR THE PURPOSE OF CREATING SUCH A FUND. PROHIBIT DEMOLITION OF THE SITE UNTIL SUCH TIME AS THE FUND HAS BEEN ESTABLISHED AND THE DOCUMENTATION COMPLETED ACCORDING TO THE CITY ATTORNEY'S SPECIFICATIONS, WITH A TIME LIMIT OF SIXTY DAYS. MAKING THE FINDING, AS AMENDED BY THE CITY ATTORNEY, THAT BY REDUCING THE GRADE OF THE DESIGNATION, THE DEMOLITION AND REDEVELOPMENT OF THE SITE AS DESCRIBED IN CENTRE CITY APPLICATION NO. 90-0765 SHALL NOT REQUIRE A RESOURCE PROTECTION PERMIT PURSUANT TO THE APPROPRIATE SECTIONS OF THE SAN DIEGO MUNICIPAL CODE. REQUEST CCDC TO REPORT BACK TO COUNCIL ON AN UPDATE ON THE NEGOTIATION AGREEMENT WITH THE BALBOA THEATRE FOUNDATION FOR THE USE OF THE BALBOA THEATRE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-nay, Pratt-yea, Bernhardt-nay, Henderson-ineligible, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S402: (R-91-1213) UNFINISHED BUSINESS TO FEBRUARY 15, 1991, 11:45 A.M.

(Continued from the meeting of February 4, 1991, Item 206, at Councilmember Henderson's request, for further review by the City Attorney to seek guidance from the Court.)

Certifying that the information contained in Environmental Impact Report DEP-89-1397, in connection with the Mission Valley Reclamation Project as described in the Clean Water Program Project Report for Modification to the Metropolitan Sewerage System, Volume VI, Mission Valley Water Reclamation System dated May 1990, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council; accepting the findings and recommendations and adopting the Findings and Statement of Overriding Considerations.

(See City Manager Report CMR-91-47. Mission Bay Park, Midway, Linda Vista, Mission Valley, Uptown, Greater North Park, Mid-City, Golden Hills, Serra Mesa, Navajo, Tierrasanta, Clairemont Mesa, University, NAS Miramar Master Plan, Mira Mesa, and Balboa Park Community Areas. Districts-5 and 7.)

CITY MANAGER SUPPORTING INFORMATION: The Mission Valley Water Reclamation project is one of six proposed water reclamation projects that are part of the Clean Water Program. The proposed project will provide two 15 mgd plants: one at the Del Rio North site and the other at Admiral Baker Field. The construction of each of the plants would be in two phases: 7.5 mgd under the first phase by the year 1998 which then would be expanded under a second phase to 15 mgd by the year 2010. Project components would include advanced wastewater treatment, pump stations, reclaimed water pipelines, storage basins and sludge pipelines. The Project Report and its accompanying Environmental Impact Report (EIR) analyze four alternative sites: Del Rio North, Admiral Baker Field and Mission Gorge No.1 and No.2. Studies performed for the Project Report found that the overall superior sites are two 15 mgd plants, one at Del Rio North and one at Admiral Baker Field, taking into account engineering, cost and environmental considerations. Studies performed for the EIR alone found that the environmentally superior site is one single 30 mgd plant at the Del Rio North site. The Findings and Statement of Overriding Considerations concur with the Project Report that two 15 mgd plants, one at Del Rio North and one at Admiral Baker, are the overall superior project sites.

WU-CWP-91-108.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A084-096, E155-160.)

MOTION BY McCARTY TO CONTINUE ITEMS-S402, S404, AND S406 TO THE END OF THE DOCKET OF THIS DATE, WITH THE INTENT TO ANNOUNCE AT THAT TIME THAT THE MEETING WOULD BE CONTINUED TO 11:50 A.M., THURSDAY, FEBRUARY 14, 1991, AT THE CITY MANAGER'S REQUEST FOR FULL COUNCIL. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

BY COMMON CONSENT ITEMS-S402, S404, AND S406 WERE CONTINUED TO FEBRUARY 15, 1991, 11:45 A.M. TO ALLOW COUNCIL MEMBER PRATT TO BE PRESENT.

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for the Regular Meeting of Tuesday, February 12, 1991**

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ITEM-S404: (R-91-1212) UNFINISHED BUSINESS TO FEBRUARY 15,  
1991, 11:45 A.M.

(Continued from the meeting of February 4, 1991, Item 208, at Councilmember Henderson's request, for further review by the City Attorney to seek guidance from the Court.)

Certifying that the information contained in Environmental Impact Report DEP-90-0225, in connection with the Otay Water Reclamation Project as described in the Project Report for Modification to the Metropolitan Sewerage System, Volume VII, Otay Valley Water Reclamation System, dated May 1990, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and has been reviewed and considered by the Council; accepting the findings and recommendations, and adopting the Findings and Statement of Overriding Consideration.

(See City Manager Report CMR-91-47. Otay Mesa/Nestor, San Ysidro, Tia Juana River Valley Community Areas. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Otay Valley Water Reclamation project is one of six water reclamation projects proposed for the San Diego area under the Clean Water Program. The proposed project will provide 6 million gallons per day (mgd) of reclaimed water by the year 1996 and up to 12 mgd by the year 2008. Project components would include advanced wastewater treatment, pump stations, reclaimed water pipelines, storage facilities and sludge pipelines. The Project Report and its accompanying Environmental Impact Report (EIR) analyze two alternative sites in the Otay Valley: The Otay Valley Road West and Otay Valley Road East sites. Studies performed for the Project Report found that the overall superior site is the Otay Valley Road East site, taking into account engineering costs and environmental considerations. Studies performed for the EIR alone found that the environmentally superior site is the Otay Valley Road West site. The Findings and Statement of Overriding Considerations concur with the Project Report that the Otay Valley Road East site is the overall superior project site.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A084-096, E155-160.)

MOTION BY McCARTY TO CONTINUE ITEMS-S402, S404, AND S406 TO THE END OF THE DOCKET OF THIS DATE, WITH THE INTENT TO ANNOUNCE AT THAT TIME THAT THE MEETING WOULD BE CONTINUED TO 11:50 A.M., THURSDAY, FEBRUARY 14, 1991, AT THE CITY MANAGER'S REQUEST FOR FULL COUNCIL. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

BY COMMON CONSENT ITEMS-S402, S404, AND S406 WERE CONTINUED TO FEBRUARY 15, 1991, 11:45 A.M. TO ALLOW COUNCIL MEMBER PRATT TO BE PRESENT.

ITEM-S406: (R-91- ) UNFINISHED BUSINESS TO FEBRUARY 15, 1991, 11:45 A.M.

(Continued from the meeting of February 4, 1991, Item 210, at Councilmember Henderson's request, for further review along with companion items.)

Proposal to adopt amendments to the following community plans based on the final site selections pertaining to the location of water reclamation facilities and to consider the adoption of amendments to the Progress Guide and General Plan and associated Local Coastal Program (LCP) Plans.

- 1) An amendment to the Ocean Beach Precise Plan and Local Coastal Program Addendum and Mission Bay Park Master Plan relating to the North City Water Reclamation Project - San Diego River Excess Reclaimed Water Ocean Outfall for construction of a reclaimed water pipeline along the Flood Channel and an ocean outfall approximately 7,000 feet offshore into the Pacific Ocean.
- 2) Amendments to the University and Mira Mesa Community Plans relating to the North City Water Reclamation Project for water reclamation facility candidate sites at:

Eastgate Mall - 37.5 acres located directly west of I-805, between Miramar Road and extending approximately 400 feet north of Eastgate Mall Road (University Community Plan area);



Eastgate Technology Park - 60.4 acres located immediately west of I-805 and north of Eastgate Mall Road (University Community Plan area);

or,

Carroll Canyon - 41 acres located northwest of the intersection of Fenton Road and Camino Santa Fe (Mira Mesa Community Plan area).

- 3) Amendments to the Mission Valley, Navajo and Tierrasanta Community Plans relating to the Mission Valley Water Reclamation Project for water reclamation facility candidate sites at:

Del Rio North - 18 acres located immediately north of I-8, east of Mission City Parkway/Milly Way and is transected by Camino del Rio North. The site is currently occupied by the City of San Diego

Aquaculture Facility (Mission Valley Community Plan area).

Admiral Baker Field - 9.5 acres on the north side of the San Diego River and southwest of Tierrasanta Boulevard (Tierrasanta Community Plan area).

Mission Gorge No. 1 - 39 acres located between Mission Gorge Road and the San Diego River, approximately 0.25 miles north of Old Cliff/Mission Gorge Roads (Navajo Community Plan area).

Mission Gorge No. 2 - 24 acres located between Mission Gorge Road and the San Diego River, immediately west of the proposed extension of Tierrasanta Boulevard (Navajo Community Plan area).

- 4) Amendments to the Progress Guide and General Plan, East Elliott Community Plan and associated Local Coastal Program (LCP) relating to the Santee Basin Water Reclamation Project for water reclamation plant candidate sites at:

West Sycamore Canyon - 56 acres located within the easterly boundaries of the Miramar Naval Air Station (Progress Guide and General Plan);

or,

Mast Boulevard - 44 acres located near the intersection of Mission Gorge Road and Mast Boulevard (East Elliott Community Plan area).

Specific proposed amendments also constitute an amendment to the City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendments must be submitted to the California Coastal Commission for review and final approval.

Adoption of a Resolution approving the community plan, Progress Guide and General Plan and LCP amendments.

NOTE: Certification of Environmental Impact Reports and adoption of the Findings and Statement of Overriding Considerations for EIR Nos. 89-1397, 90-0212, 90-0213 and 90-0225 are to be adopted as part of the Clean Water Program.

NOTE: See Items S402, S403, S404, and S405 for companion items.

FILE LOCATION: LAND-Ocean Beach Precise Plan, Local Coastal Program Addendum, Mission Bay Park Master Plan, University and Mira Mesa Community, University Community Plan area, University Community Plan area, Mira Mesa Community Plan area, Mission Valley Community Plan, Tierrasanta Community Plan area, Navajo Community Plan area, Navajo Community Plan area, Progress Guide and General Plan, East Elliott Community Plan area.

COUNCIL ACTION: (Tape location: A084-096, E155-160.)

MOTION BY McCARTY TO CONTINUE ITEMS-S402, S404, AND S406 TO THE END OF THE DOCKET OF THIS DATE, WITH THE INTENT TO ANNOUNCE AT THAT TIME THAT THE MEETING WOULD BE CONTINUED TO 11:50 A.M., THURSDAY, FEBRUARY 14, 1991, AT THE CITY MANAGER'S REQUEST FOR FULL COUNCIL. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-not present, Pratt-yea, Bernhardt-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

BY COMMON CONSENT ITEMS-S402, S404, AND S406 WERE CONTINUED  
TO FEBRUARY 15, 1991, 11:45 A.M. TO ALLOW COUNCIL MEMBER  
PRATT TO BE PRESENT.

ITEM-S500: WELCOMED

Welcoming a group of 15 members of Alpha Delta Kappa,  
Fidelis Kappa Chapter. This group will arrive at  
approximately 11:00 a.m.

(District-8.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A004-042.)

ITEM-S501: (R-91-1364) ADOPTED AS RESOLUTION R-277362

Declaring that the City Council fully supports the  
decisions made by the Federal Energy Regulatory  
Commission (FERC) and the California Public Utilities  
Commission (CPUC) Administrative Law Judges to deny the  
proposed merger of Southern California Edison Company  
and San Diego Gas & Electric Company and urges both  
Commissions to schedule oral argument on these matters  
in San Diego at the earliest possible opportunity to  
consider the ratification of these decisions;  
instructing the City Attorney to cause certified copies  
of this resolution to be filed with the CPUC and FERC  
immediately and to take such other action as is  
necessary to request that the matters alluded to herein  
be brought to the attention of the respective  
Commissions.

NOTE: Docketed per Council direction at the meeting of  
February 5, 1991.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A113-190.)

MOTION BY HENDERSON TO ADOPT. Second by Bernhardt. Passed  
by the following vote: Wolfsheimer-yea, Roberts-not  
present, Hartley-not present, Pratt-yea, Bernhardt-yea,  
Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was recessed by Mayor O'Connor at 4:57 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E160).